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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/630,062	07/29/2003	Christopher A. Wiklof	MVIS 02-22	8194

7590 07/01/2005

Clarence T. Tegreene, Esq.  
Microvision, Inc.  
19910 North Creek Parkway  
PO Box 3008  
Bothell, WA 98011

EXAMINER
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ST CYR, DANIEL

ART UNIT	PAPER NUMBER
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2876

DATE MAILED: 07/01/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/630,062

Applicant(s)

WIKLOF ET AL.

Examiner

Daniel St.Cyr

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 29 July 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-46 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-46 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ✓ 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ✓ 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/29/03.

- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-38 are rejected under 35 U.S.C. 102(b) as being anticipated by Bridgelall et al, US Patent No. 5,478,997.

Bridgelall et al disclose a symbol scanning system and method having adaptive pattern generation comprising: a light source 546 positioned to introduce a light beam into the axis of lens 557, and the beam passes through a partially-silvered mirror 547, the beam is reflected from an oscillating mirror 559 which is coupled to a scanning motor 560 which is energized when trigger 554 is pulled, if the light produced by source 546 is marginally visible, an aiming light may be included in the optical system, a scanner 640, the relationship between scanner 640 and control logic unit 650 comprising microprocessor 651, pattern generator 652, and rotator/translator 653; a scanning system 600 may be implemented as a portable scanning system, as a desk-top workstation or as a stationary scanning system, the scanner 640, outgoing light beam 603 is generated by light source 607, the light beam from light source 607 is optically modified by an optical assembly 610, the optical assembly 610 may include the auto-focusing lens, and dual X/Y lens elements described hereafter, a scanning motor unit and various control/drive circuitry, the optical assembly 610 is responsive to coordinate control signals transferred from the control logic unit 650 via control bus 660, the outgoing light beam

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is typically sized and shaped by optical assembly 610 and scanned in a specific pattern, the light beam pattern may be a single line, a raster, or more complex two-dimensional pattern, the scanned beam 603 is then directed by scanning system 600 through an exit window 602 to impinge upon a code bar symbol 604 disposed at a predetermined target location, the reflected and/or scattered light 605 from symbol 604 is detected by a light detector 620 of scanner element 640; the light detector 620 produces electrical signals to be processed and decoded in order to reproduce the data represented in barcode symbol 604; the output of light detector 620 is applied to an analog amplifier 621 having an adjustable or selectable gain and bandwidth. Amplifier control signals applied from data bus 625 effect adjustment of circuit values in analog amplifier 621. One output of analog amplifier 621 is applied to an analog-to-digital (A/D) converter 626. A/D converter 626 is connected to control bus 660 to transfer the sampled digital signal for processing by control logic unit 650. The system of Bridgelall et al is capable of performing the method steps of claims 1-48. For instance, claims 1-6 are discussed below:

Re claim 1, a variable illuminator 607 responsive to a signal to direct a first beam 603 to a plurality of locations in a field of view, a detector 620 aligned to receive energy scattered from the first beam, and an electronic controller 651 operatively coupled to said detector and said variable illuminator, the electronic controller operative to automatically vary the power of the first beam inversely proportionally to the received energy (see figures 1-3, 34; col. 9, line 14+).

Re claim 2, wherein said variable illuminator includes a beam source responsive to a signal to produce a second beam, and a mirror 422 aligned to deflect the second beam, forming the first beam that scans across the field of view (see figures 19(a-c)).

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Re claim 3, further comprising a frame buffer 622 operable to contain values for driving said variable illuminator, a leveling circuit 923 operatively coupled to said detector and said frame buffer, the leveling circuit being responsive to the detector to modify the values in said frame buffer (see figures 24, 34, col. 18, line 41+, and col. 23, line 62+).

Re claims 4-5, wherein the leveling circuit is operative to increase/decrease the output of said variable illuminator to locations that scatter relatively low amounts of energy (see col. 23, line 62-col. 24, line 7).

Re claim 6, wherein variable illuminator is responsive to a signal to modulate its output to produce substantially uniform detected energy across the field of view and the image in the field of view is substantially represented by the inverse of a frame buffer in said controller (see col. 23, line 62 to col. 24, line 29).

### ***Conclusion***

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Deguchi et al, US Patent No. 4,539,664. Lemelson, US Patent No. 4,969,038. Arends et al, US Patent No. 5,463,211. Tamaka et al, US Patent No. 5,504,722.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Daniel St.Cyr whose telephone number is 571-272-2407. The examiner can normally be reached on Mon-Fri.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached on 571-272-2398. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Daniel St.Cyr  
Primary Examiner  
Art Unit 2876

A handwritten signature in black ink, appearing to read 'Daniel St.Cyr', is written over a horizontal line. The signature is stylized with loops and a long horizontal stroke extending to the right.

DS  
June 25, 2005